

Docket No. KSM-0228

RADER, FISHMAN &amp; GRAUER, PLLC

## Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention **entitled**

(Insert Title) **PROCESS FOR PRODUCING A DECAFFEINATED COFFEE PLANT BY GENETIC RECOMBINATION**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on PCT/JP03/09008 As PCT International Application  
Number July 16, 2003 and was amended on \_\_\_\_\_  
and/or was filed on \_\_\_\_\_ As U.S. Patent Application  
Number \_\_\_\_\_ and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. '1.56.

I hereby claim foreign priority benefits under 35 U.S.C. '119(a)-(d) or '365(b) of any foreign application(s) for patent or inventor's certificate, or '365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications)	<u>JP 2002-207221</u> (Number)	<u>JAPAN</u> (Country)	<u>16/07/2002</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>                    </u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<u>                    </u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. '119(e) of any United States provisional application(s) listed below.

<u>                    </u> (Application Number)	<u>                    </u> (Filing Date)
<u>                    </u> (Application Number)	<u>                    </u> (Filing Date)

☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. '120 of any United States application(s) or '365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. '112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. '1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)	<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status) (patented, pending, abandoned)
	<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status) (patented, pending, abandoned)

And I hereby appoint the firm of Rader, Fishman & Grauer, PLLC, **Customer Number 23353** including as principal attorneys: Richard D. Grauer, Reg. No. 22,388; David T. Nikaido, Reg. No. 22,663; Ronald P. Kananen, Reg. No. 24,104; Ralph T. Rader, Reg. No. 28,772; Carl Schaukowitz, Reg. No. 29,211; Michael D. Fishman, Reg. No. 31,951; Joseph V. Coppola, Sr., Reg. No. 33,373; Michael B. Stewart, Reg. No. 36,018; Alexander D. Rabinovich, Reg. No. 37,425; Kevin D. Rutherford, Reg. No. 40,412; Glenn E. Forbis, Reg. No. 40,610; Lee Cheng, Reg. No. 40,949; Kristin L. Murphy, Reg. No. 41,212; Robert S. Green, Reg. No. 41,800; James F. Kamp, Reg. No. 41,882; Brian K. Dutton, Reg. No. 47,255; Michael R. Bascobert, Reg. No. 44,525; Shawn B. Cage, Reg. No. 51,522

Please direct all communications to the following address: RADER, FISHMAN & GRAUER, PLLC  
1233 20<sup>th</sup> Street, N.W., Suite 501  
Washington, D.C. 20036  
Telephone No. (202) 955-3750  
Facsimile No. (202) 955-3751

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Shinjiro OGITA  
 Inventor's  
 signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toyama, Japan  
 Citizenship Japan  
 Post Office Address Toyama Kenritsu Daigaku Taikouyama Kyoun Kousha 131, 9-3-1, Taikouyama, Kosugimachi, Imizu-gun, Toyama 939-0362 JAPAN

Full name of second inventor Hiroshi SANO  
 Inventor's  
 signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Nara, Japan  
 Citizenship Japan  
 Post Office Address 2-7-15, Shikanodainishi, Ikoma-shi, Nara 630-0114 JAPAN

Full name of third inventor Nozomu KOIZUMI  
 Inventor's  
 signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Nara, Japan  
 Citizenship Japan  
 Post Office Address Daigaku Shukusha C-505, 8916-5, Takayamacho, Ikoma-shi, Nara 630-0101 JAPAN

Full name of fourth inventor Atsuhiko SHINMYO  
 Inventor's  
 signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Nara, Japan  
 Citizenship Japan  
 Post Office Address 4-1-4, Tatsutakita, Ikaruga-cho, Ikoma-gun, Nara 636-0151 JAPAN

Docket No. KSM-0228

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the specification of which is attached hereto unless the following box is checked:

☒ was filed on \_\_\_\_\_ As PCT International Application  
 Number \_\_\_\_\_ and was amended on \_\_\_\_\_  
 and/or was filed on January 14, 2005 As U.S. Patent Application  
 Number 10/521,244 and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

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(List prior foreign applications)	<u>JP 2002-207221</u>	<u>JAPAN</u>	<u>16/07/2002</u>	Priority Claimed
	(Number)	(Country)	(Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<u>                    </u>	<u>                    </u>
(Application Number)	(Filing Date)
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(List prior U.S. Applications or PCT International applications designating the U.S.)	<u>PCT/JP03/09008</u>	<u>July 16, 2003</u>	<u>Pending</u>
	(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
	<u>                    </u>	<u>                    </u>	<u>                    </u>
	<u>                    </u>	<u>                    </u>	<u>                    </u>

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RADER, FISHMAN & GRAUER, PLLC  
 1233 20<sup>th</sup> Street, N.W., Suite 501  
 Washington, D.C. 20036  
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Full name of sole or first inventor <sup>100</sup> Shinjiro OGITA

Inventor's signature

*Shinjiro Ogita*

APR. - 6. 2005

Date

Residence Toyama, Japan

JPX

Citizenship Japan

Post Office Address Toyama Kenritsu Daigaku Taikouyama Kyouin Kousha 131, 9-3-1, Taikouyama, Kosugimachi, Imizu-gun, Toyama 939-0362 JAPAN

Full name of second inventor <sup>200</sup> Hiroshi SANO

Inventor's signature

*Hiroshi Sano*

APR. - 6. 2005

Date

Residence Ikoma-shi, Japan

JPX

Citizenship Japan

Post Office Address 2-7-15, Shikanodainishi, Ikoma-shi, Nara 630-0114 JAPAN

Full name of third inventor <sup>300</sup> Nozomu KOIZUMI

Inventor's signature

*Nozomu Koizumi*

APR. - 6. 2005

Date

Residence Ikoma-shi, Japan

JPX

Citizenship Japan

Post Office Address Daigaku Shukusha C-505, 8916-5, Takayamacho, Ikoma-shi, Nara 630-0101 JAPAN

Full name of fourth inventor <sup>400</sup> Atsuhiko SHINMYO

Inventor's signature

*Atsuhiko Shinmyo*

APR. - 6. 2005

Date

Residence Nara, Japan

JPX

Citizenship Japan

Post Office Address 4-1-4, Tatsutakita, Ikaruga-cho, Ikoma-gun, Nara 636-0151 JAPAN